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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,958	06/23/2003	Chun-Yi Yang	MXIC-P910252	8883
7590	03/25/2004		EXAMINER	
Kenton R. Mullins Stout, Uxa, Buyan & Mullins, LLP Suite 300 4 Venture Irvine, CA 92618			HA, NATHAN W	
			ART UNIT	PAPER NUMBER
			2814	
			DATE MAILED: 03/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,958	YANG, CHUN-YI	
	Examiner	Art Unit	
	Nathan W. Ha	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) 20-30 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) 17-19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 1-19, in Paper No. 12/23/03 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-3 recite the limitation "the parts" in line 1. There is insufficient antecedent basis for this limitation in the claim. There are two different "the parts" in claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wen, US 5,812,448.

In regard to claim 1, in figs. 4a-4d, Wen discloses a method of programming memory cells, the method comprising:

depositing insulating layers 25 over parts 24 of a first portion of the cells while not depositing insulating layer over parts of second portion of the cells to thereby program the memory device; see fig. 4B.

In regard to claims 2 and 4, the parts are electrodes; see fig. 4C.

In regard to claim 3, the other parts are channels; see fig. 4C.

In regard to claims 5-7, and 12, the cells are transistors;

word lines 34 and 34' extend over the gate electrodes;

gate electrodes of the first portion are not connected to the word lines; see fig. 4D; and

gate electrodes of the second portion are connected to the word lines 34; see also fig. 4D.

In regard to claims 8, 15, Wen further discloses the insulating layers are disposed between the relative decoupling memory cells and their corresponding word lines, but are not disposed between the coupling memory cells and their word lines; see also, fig. 6.

In regard to claims 9 and 16, Wen further discloses each memory cell comprises a transistor having source/drain regions 26 a and 26b, for example, and a gate; and

the insulating layer are disposed between the gates of the relatively decoupling memory cells and their corresponding word lines; see also, fig. 4D.

In regard to claim 10, all of the memory cells of the device should have the same substantially threshold voltage since they are uniformly formed.

In regard to claim 13, see the discussions on col. 2, lines 59-67.

In regard to claim 14, the first portion of the cells to a word line are disable by not connecting to the word lines, and a second word lines are not disable; see also fig. 4D.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wen as applied to claims 1-10 and 12-16 above, and further in view of Li et al. US 2003/0228717, hereinafter, Li.

In regard to claim 11, Wen discloses all of the claimed limitations as mentioned above accept the cells are not formed by ion-implantation. It should be noted that deposition is also a well known method of forming active regions deposition provides receiving an indication of a desired constituent ratio and calculating a deposition rate. For instance, Li discloses an analogous device using deposition to form a nonvolatile memory cells. See col. 2, section [0018].

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to obtain well known deposition process to form a memory device since it provides receiving an indication of a desired constituent ratio and calculating a deposition rate.

Allowable Subject Matter

9. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

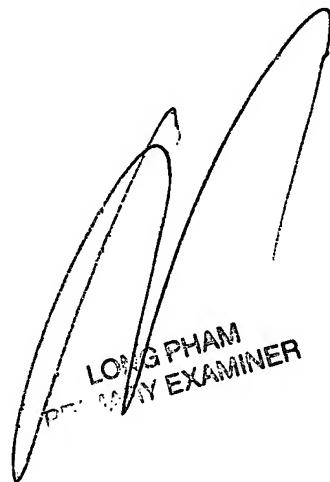
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan W. Ha whose telephone number is (571) 272-1707. The examiner can normally be reached on M-TH 8:00-7:00(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Ha
March 15, 2004



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